

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMAURI RADAMES PEREZ-MUSTAFA,
Defendant

CRIM. NO. 17-052 (PAD)

UNITED STATES' SENTENCING MEMORANDUM

TO THE HONORABLE COURT:

The United States of America, by and through the undersigned attorneys, very respectfully states and prays as follows:

I. INTRODUCTION

On May 11, 2017 defendant AMAURI RADAMES PEREZ-MUSTAFA pled guilty to the One-Count of the Indictment (Reentry of Removed Aliens), in violation of Title 8, *United States Code*, Section 1326(a), by way of a straight plea.

The United States agrees with the Probation Officer's calculation of the sentencing guidelines as contained in the Presentence Report (DE No. 22) and, in consequence, it respectfully submits that a sentence within the applicable guidelines of a Total Offense Level (TOL) of 6 (0-6) followed by a Term of Supervised Release as required by law, is sufficient but not greater than necessary and would address the seriousness of the offense and would achieve the necessary deterrence.

II. FACTUAL BACKGROUND

Around January 21, 2017, the United States Coast Guard (USCG) Cutter Joseph Tezanos intercepted a 28-foot yawl-type-vessel containing thirty-eight (38) people at 35 nautical miles, NW

of Aguadilla PR.

Because the vessel had an unsafe amount of passengers on board and did not disclose its nationality, CG agents intervened. Upon removing the passengers for safety of life at sea (SOLAS) reasons, all passengers admitted to being citizens and nationals of the Dominican Republic and that they did not have immigration documents to enter or remain in the United States legally.

The Coast Guard entered all individuals' biometric data into criminal and immigration databases, and eighteen (18) of the passengers came back positive with prior immigration history, including Amauri Radames Perez-Mustafa.

In this case, on November 8, 2015, the United States Coast Guard encountered Perez-Mustafa while he attempted to enter the US illegally on board a vessel. At that time, Perez-Mustafa was turned over to Ramey Station Border Patrol Agents and was served with an Expedited Order of Removal for which he was physically removed from the United States on November 11, 2015, from the San Juan Seaport cruise ferries Puerto Rico to the Dominican Republic.

III. PENALTIES

The maximum penalties for **COUNT ONE** include a term of imprisonment for two (2) years; a term of supervised release of no more than one (1) year; and a fine not to exceed \$250,000.00.

WHEREFORE, the United States, very respectfully, submits that a sentence within the applicable guidelines of a Total Offense Level (TOL) of 6 (0-6), followed by a Term of Supervised Release as required by law, is sufficient but not greater than necessary and would address the seriousness of the offense and would achieve the necessary deterrence.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of June 2017.

ROSA EMILIA RODRIGUEZ-VÉLEZ
United States Attorney

s/ Cristina Caraballo-Colón
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for the defendant.

s/ Cristina Caraballo-Colon
CRISTINA CARABALLO-COLÓN
USDC-PR No. 300508
Special Assistant United States Attorney